

Brian Mulry

Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION CONDITIONALLY APPROVING A FINAL MAP FOR TRACT NO. 8393, LOCATED AT 4430, 4440, AND 4448 HOWE STREET, FOR A SEVEN MINI-LOT SUBDIVISION FOR OAKMEDA MANAGEMENT, LLC, AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, Oakmeda Management, LLC, a California limited liability company (“Subdivider”), is subdividing the property at 4430, 4440, and 4448 Howe Street identified by the Alameda County Assessor as APNs 013-1128-018-00, 013-1128-019-00, and 013-1128-020-00, and by the Alameda County Clerk-Recorder as Tract No. 8393, and by the City of Oakland (“City”) as 4432 Howe Street; and

WHEREAS, the Subdivider has acquired by purchase for valuable consideration the real property comprising Tract No. 8393 through a grant deed, series no. 2018054216, recorded March 16, 2018, by the Alameda County Clerk-Recorder; and

WHEREAS, said parcel is comprised of all of lots 22 through 26, in block “R”, as said lots and block are shown on that certain map entitled “Map Of Thermal hill, Formerly The Howe Tract, Oakland Township, Alameda County, California,” filed for record on September 15, 1894 in Map Book 19, Page 52, Alameda County Records; and

WHEREAS, the Subdivider specifically applied to the City for a Tentative Tract Map (“TTM 8393”) to subdivide said parcel, which proposed:

- Subdivision of existing lots into seven (7) mini-lots accessed by a shared access and utility easement from Howe Street; and
- Construction and renovation of seven residential detached buildings; and

WHEREAS, on June 17, 2017, the City Planning Commission approved the Tentative Tract Map for Tract No. 8393 and the land use entitlements (“PLN17095”), and affirmed staff’s environmental determination that the project is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 21080(b)(1) (ministerial projects) and 15268 (ministerial projects); and

WHEREAS, the Subdivider has presented a Final Map to the City, identified as Tract Map No. 8393, which proposes the subdivision of seven (7) developable parcels, for seven (7) residential detached units development, identified as Lots 1, 2, 3, 4, 5, 6 and 7; and

WHEREAS, the Secretary of the City Planning Commission has certified that the Planning Commission approved the Tentative Map for Tract No. 8393, upon which said Final Map is based; and

WHEREAS, the City Engineer of the City of Oakland has examined the Final Map and determined that:

- the subdivision as shown on the Final Map for Tract No. 8393, delineated diagrammatically in *Exhibit A* attached hereto and incorporated herein, is substantially the same as it appeared on the approved Tentative Map No. 8393, which created developable Parcels 1, 2, 3, 4, 5, 6, and 7; and
- the Final Map for Tract No. 8393 complies in all manners with the provisions of the Subdivision Map Act (California Government Code sections 66410 et seq.) and the City's local subdivision ordinance (Oakland Municipal Code, Title 16 - Subdivisions); and

WHEREAS, pursuant to California Business and Professions Code section 6731, the City Engineer has further determined that the Final Map is technically correct and accurately delineates the proposed metes and bounds of the property boundaries separating the proposed seven (7) lots, the limits of which have been established by a field boundary survey performed by a competent Land Surveyor, who is licensed by the State of California to practice land surveying, and can be re-established from the monuments, property corners, radii, bearings, and distances shown on the Final Map for Tract No. 8393; and

WHEREAS, the Subdivider has employed a competent design professional, who is licensed by the State of California to practice civil engineering, to prepare plans and specifications for the construction of required surface and subsurface public infrastructure improvements in the public right of way; and

WHEREAS, the City Engineer has approved Infrastructure Permit No. PX1800046, and the Subdivider's plans and specifications for construction of the required public infrastructure improvements and infrastructure within private property common to subdivided lots known as private-public improvements, attached hereto as *Exhibit B* and incorporated herein; and

WHEREAS, through a separate companion Resolution, staff is seeking authorization from the City Council for the City Administrator to enter into a Subdivision Improvement Agreement ("SIA") with the Subdivider pursuant to Government Code section 66462 and Oakland Municipal Code section 16.20.100, as a condition precedent to approval of the Final Map for Tract No. 8393, to assure the timely construction, unconditional warrantee, and prescribed maintenance of all required public infrastructure improvements; and

WHEREAS, pursuant to Government Code section 66499 et seq. and Oakland Municipal Code section 16.20.100, the Subdivider has deposited adequate security in the form of surety bonds to secure the Subdivider's performance of the required public infrastructure improvements identified in the SIA; and

WHEREAS, the City's approval of a final subdivision map is exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 21080(b)(1) (ministerial projects) and 15268 (ministerial projects); now, therefore, be it

RESOLVED: That the Final Map for Tract No. 8393 conforms to all the requirements in Government Code sections 66410 et seq., Title 16 of the Oakland Municipal Code, and CEQA, and is hereby conditionally approved; and be it

FURTHER RESOLVED: That the approval of the Final Map is conditioned upon completion of public infrastructure improvements and private common access roadways and utilities that are required to service the public or the individual parcels, as required by the SIA; and be it

FURTHER RESOLVED: That the hereinabove conditions shall be binding upon the Subdivider and its successors or assigns, affiliated companies or corporations, parent companies or corporations, or partners; and be it

FURTHER RESOLVED: That the successive owners, both individually as purchasers of real property and collectively as a homeowners association of said lots as delineated on the Final Map, shall be responsible for the maintenance in perpetuity of all infrastructure improvements within the areas common to parcels for required access and utilities required excepting from said responsibility infrastructure improvements that are otherwise regulated by California Public Utilities Commission; and be it

FURTHER RESOLVED: That failure by the Subdivider to comply in all aspects with the SIA shall void approval of the Final Map and shall result in reversion to acreage to the original parcel(s) comprising Tract No. 8393; and be it

FURTHER RESOLVED: That the City Engineer is hereby authorized to endorse the Final Map for Tract No. 8393; and be it

FURTHER RESOLVED: That the City Clerk of the City of Oakland is hereby authorized to endorse the Final Map for Tract No. 8393 upon its execution by the City Engineer; and be it

FURTHER RESOLVED: That the City Engineer is hereby authorized to cause the fully executed Final Map for Tract No. 8393 to be filed with the Alameda County Clerk-Recorder for recordation; and be it

FURTHER RESOLVED: That the City's approval of Tract No. 8393 is exempt from the requirements of CEQA pursuant to Public Resources Code section 21080(b)(1) and CEQA Guidelines section 15268, which each provide, on a separate and independent basis and when viewed collectively, an overall basis for CEQA clearance; and be it

FURTHER RESOLVED: That this Resolution shall be effective upon its adoption by a sufficient affirmative vote of the elected members of Council of the City of Oakland, as provided in the Charter of the City.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

Exhibit A: Final Tract Map No. 8393.

Exhibit B: Subdivision Improvement Agreement and Public Infrastructure Improvements.